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EXAMINER

WARD, JESSICA LEE

ART UNIT

PAPER NUMBER

1733

MAIL DATE

DELIVERY MODE

05/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,469

Applicant(s)

MONTAGNA ET AL.

Examiner

Jessica L. Ward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/23/07, RCE.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,20,21,24 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) ☐ Claim(s) is/are allowed.
- 6) ☒ Claim(s) 1-5,20,21,24 and 26-32 is/are rejected.
- 7) ☐ Claim(s) is/are objected to.
- 8) ☐ Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. .
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/23/07.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. .
- ☐ Notice of Informal Patent Application
- ☐ Other: .

DETAILED ACTION

RCE

1. The request filed on 2/23/07 for a RCE under 37 CFR 1.114 based on parent Application No. 10/748,469 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. Applicant misnumbered new claims 26-31 (there are two claims with the number 26). This must be corrected in the next response. Please note that second claim 26 will be referred to as claim 27 throughout the present office action and therefore claims 27-31 will be referred to as claims 28-32.

Election/Restrictions

3. The vehicle floorboard, door panel and roof panel recited in new claim 26 are directed to non-elected Species B, C and D, respectively (see restriction requirement of 5/8/06 and corresponding election of 6/13/06), and therefore are withdrawn from further consideration.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 5 and 26-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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As to claims 5 and 30, the present specification does not have support for the second projections having a “uniform” height. The specification only discloses that the second projections are shorter than the first projections but it never discloses or suggests that they have a uniform height.

As to claim 26, the present specification does not have support for applying adhesive to the peripheral lip of the first lower panel and the peripheral lip of the second upper panel. The specification only discloses that adhesive is applied to the peripheral lip of the first lower panel.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-5, 20-21, 24 and 26-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1 and 26, it is unclear what Applicant means by “wherein each projection defines a coplanar surface.” Does each projection define its own coplanar surface, meaning that every portion of the surface of one projection lies in the same plane while the surface of one projection may not necessarily lie in the same plane as the surfaces of the other projections? Or does the surface of one projection lie in the same plane as the surfaces of all the other projections in the plurality of projections? Applicant is asked to clarify. Based on the specification, it appears that Applicant intends for the latter interpretation. The Examiner suggests amending the claims to state --wherein upper surfaces of the plurality of projections are coplanar with respect to each other--. Applicant should also amend the claims to state --applying an adhesive to the

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coplanar surfaces-- and --securing the second panel to the first panel such that the coplanar surfaces--.

As to claims 1 and 26, it is unclear what Applicant intends by the limitation “the peripheral lips remain in substantial proximity to form the composite panel” when the claims now state that the lips are joined to each other. Applicant is asked to clarify.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-2, 5 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Rashid et al. (US 5536060, previously cited).

With respect to claim 1, Rashid teaches a method of manufacturing a thermoformable composite panel (column 3, lines 33-45) by forming a first lower panel 14 having a peripheral lip and a plurality of raised projections, wherein each projection defines a coplanar surface, forming a second upper panel 12 having a substantially planar surface and a peripheral lip 24, wherein the peripheral lip of the first panel is configured to fit snugly against and within the peripheral lip of the second panel, applying an adhesive the coplanar surfaces of the first panel (column 2, lines 20-25; column 4, lines 24-30), joining the peripheral lip of the first panel and the peripheral lip of the second panel (column 4, lines 53-58), and securing the second panel to the first panel such that the coplanar surfaces are adhered to the upper panel and the peripheral lips remain in

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substantial proximity to form the composite panel (Figure 2; column 4, lines 53-60; column 4, line 64 – column 4, line 2; column 5, lines 7-13).

Regarding claims 2 and 24, the reference teaches such (Figure 2).

Regarding claim 5, the reference teaches second elongate projections (three projections contacting upper panel on right side of composite panel in Figure 2) having tapered sides extending from the lower panel and having a uniform height less than the raised projections (three projections contacting upper panel on left side of composite panel in Figure 2).

10. Claims 1-2 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Fujimoto (WO 02/47961, refer to US 2004/0021342 for translation, previously cited).

With respect to claim 1, Fujimoto teaches a method of manufacturing a thermoformable (last sentence in section [0149]) composite panel by forming a first lower panel having a peripheral lip and a plurality of raised projections 2a, wherein each projection defines a coplanar surface, forming a second upper panel 4 having a substantially planar surface and a peripheral lip 4b, wherein the peripheral lip of the first panel is configured to fit snugly against and within the peripheral lip of the second panel, applying an adhesive 7 to the coplanar surfaces of the first panel, joining the peripheral lip of the first panel to the peripheral lip of the second panel, and securing the second panel to the first panel such that the coplanar surfaces are adhered to the upper panel and the peripheral lips remain in substantial proximity to form the composite panel (Figure 2; sections [0117-0118]).

Regarding claims 2 and 24, the reference teaches such.

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-2, 4, 20-21, 24, 26-27, 29 and 31-32 stand rejected under 35 U.S.C. 102(e) as being anticipated by Myers (US 6857683, previously cited).

With respect to claim 1, Myers teaches a method of manufacturing a thermoformable (column 3, lines 48-58) composite panel by forming a first lower panel 30 having a peripheral lip and a plurality of raised projections 32, wherein each projection defines a coplanar surface, forming a second upper panel 28 having a substantially planar surface and a peripheral lip, wherein the peripheral lip of the first panel is configured to fit snugly against and within the peripheral lip of the second panel (Figure 4), applying an adhesive to coplanar surfaces of the first panel (column 3, lines 59-64), joining the peripheral lip of the first panel and the peripheral lip of the second panel (column 4, lines 51-53), and securing the second panel to the first panel such that the coplanar surfaces are adhered to the upper panel and the peripheral lips remain in substantial proximity to form the composite panel (Figure 4).

As to claim 26, all the limitations were addressed above with respect to claims 1 and 20-21 but applying adhesive to the peripheral lips and the composite panel being a tonneau cover. The reference teaches applying adhesive to the peripheral lips (column 4, lines 51-53; column 3, lines 62-64). The reference also teaches the composite panel being a tonneau cover (column 1, lines 11-12).

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Regarding claims 2, 4, 20-21, 27, 29 and 31-32, the reference teaches such.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 20-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto as applied to claim 1 above and further in view of Corder et al. (US 6568495, previously cited).

Regarding claims 20-21, it is noted that Fujimoto teaches the reinforced composite panel being used for such things as a car body hood (section [0001]). It is known in the art to use the same reinforced composite panel for both the hood and tonneau cover of a car, as taught by Corder (column 1, lines 48-51), and therefore it would have been obvious to use the panel of Fujimoto for a tonneau cover as an alternative to using it as a hood.

15. Claims 26-27 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto and Corder et al. as applied to claims 1 and 20-21 above and further in view of Rashid et al. and/or Myers.

As to claim 26, all the limitations were addressed above with respect to claims 1 and 20-21 but applying adhesive to the peripheral lips. It would have been obvious to apply adhesive to the peripheral lips of the panel of Fujimoto because such is known in the composite panel art, as taught by Rashid (column 4, lines 53-58) and/or Myers (column 4, lines 51-53; column 3, lines 62-64), where this additional bonding would help prevent delamination.

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As to claims 27 and 31-32, these limitations were addressed above with respect to claims 2, 21 and 24.

16. Claims 1-2 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greve et al. (US 5273606, previously cited) in view of Rashid et al. and/or Fujimoto and/or Myers.

With respect to claim 1, Greve teaches a method of manufacturing a thermoformable (column 1, lines 18-19) composite panel, that can used as a variety of parts in a vehicle (column 1, lines 13-14; column 2, lines 60-63), by forming a first lower panel 12 having a peripheral lip and a plurality of raised projections/ribs, forming a second upper panel 14 having a substantially planar surface and a peripheral lip 18, wherein the peripheral lip of the first panel is configured to fit snugly against and within the peripheral lip of the second panel, joining the peripheral lip of the first panel and the peripheral lip of the second panel, and securing the second panel to the first panel such that the peripheral lips remain in substantial proximity to form the composite panel (Figures 1 and 3; column 1, lines 13-22; column 2, lines 56-63; column 3, lines 10-17).

It is unclear as to whether Greve teaches each of the projections/ribs defining a coplanar surface, applying an adhesive to the coplanar surfaces of the first panel, and the coplanar surfaces being adhered to the upper panel.

It is known in the art to make a composite panel, which can be used as a variety of parts in a vehicle, by securing a lower panel having raised projections/ribs that each define a coplanar surface to an upper panel using adhesive that is applied to the coplanar surfaces in addition to adhesively joining the peripheral lips of the panels, as taught by Rashid and/or Fujimoto and/or Myers. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have the plurality of projections/ribs of Greve each define a coplanar surface

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and apply adhesive to the coplanar surfaces such that the coplanar surfaces are adhered to the upper panel because such is known in the art, as taught by Rashid and/or Fujimoto and/or Myers, where this additional adhesive bonding between the lower and upper panels would help prevent delamination.

Regarding claims 2 and 24, the reference teaches such.

17. Claims 20-21, 26-27 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greve et al. and Rashid et al. and/or Fujimoto and/or Myers as applied to claim 1 above, and further in view of Corder et al.

Regarding claims 20-21, it is noted that Greve teaches the reinforced composite panel being used for a variety of vehicle body parts, such as a door or lift gate (column 1, lines 13-14; column 2, lines 60-63). It is known in the art to use the same reinforced composite panel for a variety of moveable vehicle body parts, including a trunk or deck lid (equivalent to a lift gate), as taught by Corder (column 1, lines 48-51), and therefore it would have been obvious to also use the panel of Greve for a tonneau cover.

As to claim 26, all the limitations were addressed above with respect to claims 1 and 20-21 but applying adhesive to the peripheral lips. Greve teaches such (column 3, lines 10-16).

As to claims 27 and 31-32, these limitations were addressed above with respect to claims 2, 21 and 24.

18. Claims 1-3, 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seksaria (US 5124191, previously cited) in view of Fujimoto and/or Myers and/or Greve et al.

With respect to claim 1, Seksaria teaches a method of manufacturing a thermoformable (column 1, lines 35-36 and 43-46) composite panel, that can used as a variety of parts in a

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vehicle (column 1, lines 5-10), by forming a first lower panel 14 having a plurality of raised projections, wherein each projection defines a coplanar surface, forming a second upper panel 12 having a substantially planar surface, applying adhesive 19 to at least the coplanar surfaces of the first panel, and securing the second upper panel to the first lower panel such that coplanar surfaces are adhered to the upper panel (Figures 1-4; column 3, lines 37-52; column 3, line 60 – column 4, line 5).

It is unclear as to whether Seksaria teaches the first and second panels having peripheral lips, wherein the peripheral lip of the first panel is configured to fit snugly against and within the peripheral lip of the second panel, joining the peripheral lips, and securing the second panel to the first panel such that the peripheral lips remain in substantial proximity.

It is known in the composite panel art, as it relates to a reinforced panel that can be used as a variety of parts in a vehicle, for both the lower and upper panels to have peripheral lips, wherein the peripheral lip of the first panel is configured to fit snugly against and within the peripheral lip of the second panel, to join the peripheral lips, and to secure the second panel to the first panel such that the peripheral lips remain in substantial proximity, as taught by Fujimoto and/or Myers and/or Greve. Therefore, it would have been obvious use first and second panels having peripheral lips for that of Seksaria, wherein the peripheral lip of the first panel is configured to fit snugly against and within the peripheral lip of the second panel, to join the peripheral lips, and to secure the second panel to the first panel such that the peripheral lips remain in substantial proximity because such is known in the art, as taught by Fujimoto and/or Myers and/or Greve, where this configuration eliminates any jagged edges and makes the composite panel easier to install.

Regarding claims 2-3, Seksaria teaches such (Figure 4; column 4, lines 15-18).

Regarding claim 5, Seksaria teaches second elongate projections having tapered sides extending from the lower panel and having a uniform height less than that of the plurality of raised projections (Figure 2 – four projections contacting upper panel on left side of composite panel have uniform height and are shorter than two projections contacting upper panel on right side of composite panel – also see Figures 1 and 4; column 2, lines 20-32; column 4, lines 5-9).

Regarding claim 24, Seksaria in view of Fujimoto and/or Myers and/or Greve teaches such.

19. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seksaria and Fujimoto and/or Myers and/or Greve as applied to claim 1 above, and further in view of Blankenburg et al. (US 4906508, previously cited) and/or Blankenburg et al. (US 5242735, previously cited).

Regarding claim 3, if it is not taken that Seksaria teaches frusto-conical projections such would have been obvious given that raised projections of a lower panel having this configuration is known in the vehicle art when securing a lower panel to an upper panel, as taught by Blankenburg '508 (Figures 17-19; abstract; column 2, lines 29-39) and/or '735 (column 1, lines 7-15; column 4, lines 19-35), especially since one reading Seksaria would readily appreciate that the reference is not limited to a particular geometry for the projections (column 4, lines 15-18).

Regarding claim 4, Seksaria in view of Blankenburg '508 and/or '735 teach such.

20. Claims 20-21, 26-28 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seksaria and Fujimoto and/or Myers and/or Greve as applied to claim 1 above, and further in view of Corder et al.

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Regarding claims 20-21, it is noted that Seksaria teaches the reinforced composite panel being used for a variety of vehicle body parts, such as a hood (column 1, 5-10). It is known in the art to use the same reinforced composite panel for both the hood and tonneau cover of a vehicle, as taught by Corder (column 1, lines 48-51), and therefore it would have been obvious to use the panel of Seksaria for a tonneau cover as an alternative to using it as a hood.

As to claim 26, all the limitations were addressed above with respect to claims 1 and 20-21 but applying adhesive to the peripheral lips. Seksaria in view of Myers and/or Greve teaches such.

As to claims 27-28 and 30-32, these limitations were addressed above with respect to claims 2-3, 5, 21 and 24.

21. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seksaria and Fujimoto and/or Myers and/or Greve and Corder et al. as applied to claim 26 above, and further in view of Blankenburg et al. '508 and/or Blankenburg et al. '735.

Regarding claim 28, if it is not taken that Seksaria teaches frusto-conical projections such would have been obvious given that raised projections of a lower panel having this configuration is known in the vehicle art when securing a lower panel to an upper panel, as taught by Blankenburg '508 (Figures 17-19; abstract; column 2, lines 29-39) and/or '735 (column 1, lines 7-15; column 4, lines 19-35), especially since one reading Seksaria would readily appreciate that the reference is not limited to a particular geometry for the projections (column 4, lines 15-18).

Regarding claim 29, Seksaria in view of Blankenburg '508 and/or '735 teach such.

Response to Arguments

22. Applicant's arguments filed 2/23/07 have been fully considered but they are not persuasive.

23. On p. 5 of the remarks, Applicant argues that the coplanar surfaces of the claimed invention are flat and not contoured and Rashid fails to teach or suggest this. Applicant also argues that the peripheral lips of the claimed invention are bonded entirely around the periphery of the outer panel and is a visible component of the assembly.

None of these arguments are commensurate with the scope of the claimed invention.

24. On p. 5 of the remarks, Applicant argues that the middle liner with corrugations in the panel of Rashid is not substantially planar and the peripheral edges are not connected as claimed because the upper and lower panels are connected on the periphery and the middle liner with the corrugations is adhered inside to the lower panel.

Firstly, the Examiner points out that the middle liner (14) of Rashid was equated to Applicant's claimed lower panel. Secondly, the claimed invention does not require that the lower panel be substantially planar. Thirdly, the lower panel (14) and upper panel (12) of Rashid are joined (on the right-hand side) such that the peripheral lip of the lower panel fits snugly against and within the peripheral lip of the second panel (Figure 2) thereby satisfying the limitations set forth in present claims 1 and 26.

25. On p. 6 of the remarks, Applicant argues that the panel hood disclosed by Fujimoto does not anticipate the invention because the panel is made of metal alloy. In contrast, the claimed invention is a composite panel comprising a moldable thermoplastic material.

Firstly, this argument is not commensurate with the scope of the claimed invention. Secondly, when given its broadest and most reasonable interpretation, “thermoformable” means capable of being formed by heat. Fujimoto discloses that the metal alloy panels are formed by normal methods such as sheet rolling (section [0149]), where one having ordinary skill in the art would readily appreciate that this involves using heat to render the metal alloy deformable so that it can be rolled/formed into the desired configuration more easily. Therefore, the metal alloy panels of Fujimoto are “thermoformable.”

26. On p. 7 of the remarks, Applicant argues that the upper panel (12) of Myers is curved and not substantially planar so as to adhere the projections along all coplanar surfaces.

Firstly, the Examiner points out that “substantially planar” does not mean planar. Secondly, the upper panel (12) of Myers is almost identical to that of the present invention (compare upper panel in Figure 4 of Myers to upper panel in Figures 6 and 9-10 of present invention). It is clear that the upper panel (12) of Myers is substantially planar and reads on that claimed in the present invention.

27. On p. 9-10 of the remarks, Applicant argues that Greve only teaches applying adhesive to the peripheral lips and therefore one would not be motivated to also apply adhesive to the coplanar surfaces to join the lower and upper panels.

One reading Greve would appreciate that the invention’s sole focus is on the method by which adhesive is applied to the peripheral lips. Instead of applying the adhesive to the lips before they are secured together, the reference injects the adhesive between the secured lips. Therefore, while the reference may not teach applying adhesive to the coplanar surfaces it certainly does not teach away from this either.

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And since it is known in the art to make a composite panel, which can be used as a variety of parts in a vehicle, by securing a lower panel having raised projections/ribs that each define a coplanar surface to an upper panel using adhesive that is applied to the coplanar surfaces in addition to adhesively joining the peripheral lips of the panels, as taught by Rashid and/or Fujimoto and/or Myers, one would have been motivated to apply adhesive to the coplanar surfaces of Greve such that they are adhered to the upper panel because this additional adhesive bonding between the lower and upper panels would help prevent delamination.

28. On p. 11 of the remarks, Applicant argues that Seksaria teaches cup segments that are irregular in shape in contrast to the use of regular shapes having coplanar surfaces of the claimed invention.

Firstly, this argument is not commensurate with the scope of the claimed invention because the present claims say nothing about regular shapes. Secondly, Seksaria does teach a plurality of raised projections, wherein each projection defines a coplanar surface (could be four projections contacting upper panel on left side of composite panel in Figure 2, or two projections contacting upper panel on right side of composite panel in Figure 2). Please note that the present claim language is only limited to each projection in the plurality of projections defining a coplanar surface – this does not mean that each projection in the entire composite panel defines a coplanar surface. In fact, present claims 5 and 30 even state that the lower panel has a second plurality of projections that are shorter than the first plurality of projections – clearly the second plurality of projections are not coplanar with the first plurality of projections. Applicant is also invited to reread the 112 2nd paragraph rejection set forth in paragraph 7 above.

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29. On p. 11 of the remarks, Applicant argues that Seksaria uses a sheet molding compound which is in contrast to the non reinforced thermoplastic as claimed in the present invention.

This argument is not commensurate with the scope of the claimed invention.

30. On p. 12 of the remarks, Applicant argues that Seksaria teaches a configuration that is not uniform in contrast to the reduced height projections of the claimed invention that are of a uniform size.

Firstly, this argument is not commensurate with the scope of the claimed invention, as the present claims say nothing as to the reduced height projections having uniform size. Secondly, Seksaria does teach a plurality of raised projections, wherein each projection defines a coplanar surface (two projections contacting upper panel on right side of composite panel in Figure 2), and a second plurality of projections having a uniform height less than that of the raised projections (four projections contacting upper panel on left side of composite panel in Figure 2). Thirdly, the Examiner invites Applicant to reread the new matter rejection set forth above with respect to the "uniform height" limitation in claims 5 and 30.

31. On p. 12 of the remarks, Applicant argues that the variation of the height of the second group of projections of the claimed invention is required for different reasons than those of Seksaria. This argument is not commensurate with the scope of the claimed invention nor is it relevant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica L. Ward whose telephone number is 571-272-1223. The examiner can normally be reached on Mon-Fri between 9AM and 6:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jessica L. Ward
Primary Examiner
Art Unit 1733

